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FACSIMILE TRANSMISSION COVER SHEET

TO: THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTN: Examiner Patterson, Marc A., Group Art Unit 1772

FROM: CARRIER BLACKMAN & ASSOCIATES, P.C.

FAX NO. CALLED: (571) 273-8300 NO. OF PAGES (Including this page) 4

Applicant: Albert A. Pamyard

Docket: PAA-100 A

Serial No.: 10/675,414

Title: Method of Making Heat Transfer

Please date stamp and return this page, via facsimile, to acknowledge receipt of:

- Response To Restriction Requirement

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Sent via fax on October 21, 2005

By: AMC

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Attorney Docket No. IIP-121-A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Albert A. Panyard
Serial Number: 10/675,474
Filed: 30 September 2003
Group Art Unit: 1772
Confirmation No. 6003
Examiner: Patterson, Marc A.
Title: **METHOD OF MAKING HEAT TRANSFER APPARATUS,
APPARATUS THUS MANUFACTURED, AND METHOD
USING SAME**

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner For Patents
P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

In response to the restriction requirement in the Office Action of October 05, 2005,
applicant submits the following response:

Restriction Requirement

Claims 1-20 have been placed under a restriction requirement under 35 U.S.C. 121 in the above-identified Office Action.

SUMMARY OF THE EXAMINER'S POSITION

Specifically, in item 1 of the Office Action, the Examiner identified the following inventions:

- I. Claims 1-15, drawn to a method of manufacturing a heat transfer device, classified in class 264, subclass 177.2.
- II. Claims 16-20, drawn to a heat transfer device, classified in class 428, subclass 36.9.

The Examiner has required election of one of the two inventions.

The Examiner states that inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP §806.05(f)). In the instant case the product can be made by a materially different process, such as bonding surfaces of the tubing using adhesive, rather than drying.

DISCUSSION

Applicant respectfully traverses the restriction requirement in the above-identified Office Action, and requests reconsideration and withdrawal thereof. Applicant respectfully suggests that the claims are drawn to different aspects of a single inventive concept, and should not be subject to restriction.

Even if the Examiner remains convinced that the claims are not all drawn to a single inventive concept, applicant respectfully suggests that all of the pending claims are drawn to closely associated inventions.

Moreover, applicant respectfully points out that MPEP section 803 states that

"if the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions."

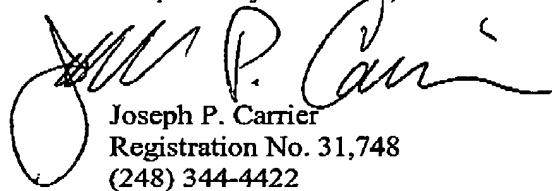
Applicant respectfully suggests that the examination of the entire application would not place a serious burden on the Examiner. Applicant therefore respectfully requests that the Examiner reconsider the Restriction Requirement, and examine the species identified as Groups I and II together.

Therefore, Applicant requests reconsideration and withdrawal of the Restriction Requirement.

However, notwithstanding the above, and in order to comply with Patent Office requirements, applicant elects, with traverse, the group identified by the Examiner as Invention I.

It is applicant's understanding and belief that each of Claims 1-15 is drawn to the elected invention.

Respectfully submitted,



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October 21, 2005

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